

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 11TH OCTOBER 2007 / 19TH ASWINA 1929

Crl.MC.No. 3142 of 2007()

CC.293/2005 of JUDL. MAGISTRATE OF FIRST CLASS-III, KOZHIKODE

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PETITIONER: ACCUSED

ABDUL BASHEER.M
S/O.IMBICHIKOYA,
NAIKARUMBIL HOUSE,
KINASSERI.P.O, POKKUNNU,
KOZHIKODE 13.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE,
KASABA POLICE STATION
KOZHIKODE.
2. STATE OF KERALA REP. BY
PUBLIC PROSECUTOR
HIGH COURT OF KERALA
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 11/10/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.3142 of 2007

Dated this the 11th day of October, 2007

O R D E R

The petitioner faces indictment in a prosecution for offences punishable under Section 353 I.P.C. Final report has been filed. Cognizance has been taken. The petitioner has not been enlarged on bail at any stage. Consequent to non appearance of the petitioner, the case against him has been transferred to the list of Long Pending Cases. Coercive processes have been issued against the petitioner. The petitioner finds such processes chasing him.

2. According to the petitioner, he is absolutely innocent. His absence earlier was not wilful or deliberate. He is willing to surrender before the learned Magistrate. But he apprehends that his application for regular bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

3. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not

consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-

